

UNITED STATES DISTRICT COURT FOR

MASSACHUSETTS

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2006 JUL 12 P 3:57

DIRECK JACKSON (PETITIONER)

U.S. DISTRICT COURT
DISTRICT OF MASS.

v.

CASE. NO 06-1962

04-12401-RCL

UNITED STATES OF AMERICA

(RESPONDENT)

PETITIONER'S REQUEST FOR CERTIFICATE OF APPEALABILITY

NOW COMES petitioner respectfully requesting to be issued a Certificate Of appealability in order to seek redress from the District Court's judgement.

Jurisdiction of this instant request is invoked pursuant to Tittle 28 USC section 2253, as well as local rule 22.1(b). This request is also timely as it confirms to the time limit specified within the U.S. Court Of Appeals for the First Circuit order, dated 6-28-2006.

Petitioner seeks a certificate of appealability so as to present his valid constitutional claim to the U.S. Court Of Appeal For the First Circuit as he believes that he has meritorious issues which were wrongly decided by the district court. Petitioner further contends that he is more likely to prevail on appeal, thus a certificate of appealability should be issued in this instant

case.

As petitioner's attorney Mr. Leo Sorokin admitted his inability to represent petitioner at the sentencing phase of petitioner's criminal proceeding, this constitute ineffectiveness on the part of petitioners counsel, which prejudiced petitioner, and has resulted in a Strickland violation. see Strickland v. Washington 466, US 668.

Consequently, Petitioner prays that this court grant his request and issue him a certificate of appealability.

Respectfully submitted,

Detective Jackson
24039-038

Dated ¹⁰7-3-2006

PROOF OF SERVICE

I certify that on ¹²7-~~8~~-2006 (date) I mailed a copy of this brief and all attachments via first class mail to the following parties at the addresses listed below:

Michael J. Sullivan, USA
1 CourtHouse Way, John Joseph Moakley
CourtHouse, Boston 02210

PROOF OF SERVICE FOR INSTITUTIONALIZED OR INCARCERATED LITIGANTS

In addition to the above proof of service all litigants who are currently institutionalized or incarcerated should include the following statement on all documents to be filed with this Court:

I certify that this document was given to prison officials on 7-3-006 (date) for forwarding to the Court of Appeals. I certify under penalty of perjury that the foregoing is true and correct. 28 U.S.C. §1746.


Signature

Dated: ¹²7-~~8~~-2006

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DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS

In The United States District Court For The

Massachusetts

Dereck Jackson

Petition/Plaintiff

Case Number: 06-1962

United States

Respondent(s)/Defendant(s)

I, Dereck Jackson, am the petitioner/plaintiff in the above entitled case. In support of my motion to proceed without being required to prepay fees or costs or give security therefore, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore, that I believe I am entitled to redress.

I declare that the responses which I have made below are true.

1. If you are presently employed, state the amount of your salary wage per month, and give the name and address of your last employer. **YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED.**
(per-month)
\$35.00 to \$40.00 F.C.I. Schukill P.O. Box 759. Minersvill,
Pa 17954-0759
2. If you are **NOT PRESENTLY EMPLOYED**, state the date of last employment and amount of the salary per month which you received **AND** how long the employment lasted. **YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED. IF YOU HAVE NEVER BEEN EMPLOYED, SAY SO.**
\$35.00 to \$40.00
3. Have you ever received, within the past twelve months, any money from any of the following sources?
 - a. Business, profession, or form of self-employment? YES__ NO x
 - b. Rent payments, interest, or dividends? YES__ NO x
 - c. Pensions, annuities, or life insurance payments? YES__ NO x
 - d. Gifts or inheritances? YES__ NO x
 - e. Any form of public assistance? YES__ NO x
 - f. Any other sources? YES__ NO x

If the answer to any of the questions in part three is yes, describe each source of money and state the amount received from each during the past months.

N/A

4. Do you own any cash or do you have money in a checking or savings account?

YES _____ NO X (Including any funds in prison accounts)

If the answer is yes, state the total value owned.

N/A

5. Do you own any real estate, stock, bonds, notes, automobiles, or other valuable property (including ordinary household furnishings and clothing)?

YES _____ NO X

If the answer is yes, describe the property and state its approximate value.

N/A

6. List the person(s) who are dependent upon you for support, state your relationship to those person(s), and indicate how much you contribute toward their support at the present time.

2 Children (Boys) My sons. \$10.00 each son.

7. If you live in a rented apartment or other rented building, state how much you pay each month for rent. Do not include rent contributed by other people.

N/A

8. State any special financial circumstances which the court should consider in this application. I am presently incarcerated, and I am unable to pay court fees.

I understand that a false statement or answer to any questions in this declaration will subject me to the penalties for perjury.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10th day of July, 2006.

Delrick Jackson
(Signature)